

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARRY C. NAGEL,	)	
	)	
Plaintiff,	)	Civil Action No. 2:15-cv-01669- RCM
	)	
v.	)	
	)	<i>Electronically Filed</i>
SIEMENS INDUSTRY, INC., SIEMENS	)	
RAIL AUTOMATION CARBORNE	)	
SYSTEMS, INC., AND SIEMENS RAIL	)	
AUTOMATION CORPORATION	)	
	)	
Defendants.	)	

**DEFENDANTS' EMERGENCY MOTION TO COMPEL  
THE EXPEDITED RETURN OF DEFENDANTS' PROPERTY, PRESERVATION  
OF ELECTRONIC DATASOURCES, PRODUCTION OF DATA SOURCES  
TO A FORENSIC EXAMINER, AND FOR SANCTIONS**

Defendants Siemens Industry, Inc., Siemens Rail Automation Carborne Systems, Inc., and Siemens Rail Automation Corporation (collectively, "Defendants" or "Siemens")<sup>1</sup> file this Emergency Motion to Compel the Expedited Return of Defendants' Property, Preservation of Electronic Data Sources ,Production of Data Sources to a Forensic Examiner and for Sanctions. In conjunction with this Motion, Defendants have filed a (1) Statement of Material Facts in Support their Emergency Motion to Compel the Expedited Return of Defendants' Property, Preservation of Electronic Data Sources ,Production of Data Sources to a Forensic Examiner and for Sanctions ("Statement of Facts"), and (2) Brief in Support of Defendants' Emergency Motion to Compel the Expedited Return of Defendants' Property, Preservation of Electronic Data

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<sup>1</sup> Siemens Industry, Inc. ("SII") is the only proper defendant in this action, as both Siemens Rail Automation Carbone Systems, Inc. and Siemens Rail Automation Corporation ceased to exist as separate corporate entities following their merger with SII on April 1, 2014.

Sources ,Production of Data Sources to a Forensic Examiner and for Sanctions (“Brief”).<sup>2</sup>  
Given the exigency of the circumstances, Defendants request that the Court dispense with normal time periods for responding to motions and provide as soon as possible the relief sought herein.

For the reasons set forth in Defendants’ Statement of Facts and Brief, which are incorporated herein by reference, Defendants’ Motion should be granted.

WHEREFORE, Defendants respectfully request that the Court grant the within Motion and direct Plaintiff return Defendants’ property, preserve Plaintiff’s electronic data sources, produce Plaintiff’s data sources to a forensic examiner and impose the sanctions deemed appropriate.

Respectfully submitted,

s/Allison R. Brown

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*(pro hac vice pending)*

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Dated: August 19, 2016

*Counsel for Defendants*

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<sup>2</sup> Defendants’ also seek leave to file certain documents under seal.

**MEET AND CONFER CERTIFICATION**

Pursuant to Rule 37(a)(1) of the Federal Rules of Civil Procedure, the undersigned counsel for Defendants Siemens Industry, Inc., Siemens Rail Automation Carborne Systems, Inc., and Siemens Rail Automation Corporation, certifies that Defendants' counsel conferred with Plaintiff's counsel (verbally and in writing), in good faith, on several occasions for the purpose of attempting to resolve the dispute that is the subject of this Motion.

*s/Allison R. Brown*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 19th day of August 2016, the foregoing document was filed using the Western District of Pennsylvania's ECF system, through which this document is available for viewing and downloading, causing a notice of electronic filing to be served upon the following counsel of record:

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